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EXAMINER

SOTOMAYOR, JOHN

ART UNIT PAPER NUMBER

3714

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,155

Applicant(s)

MURPHY ET AL. *CM*

Examiner

John L Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18, 20-32, 35-37, 39-51, 54-56 and 58-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 20-32, 35-37, 39-51, 54-56 and 58-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In regard to the amendment filed November 1, 2004, claims 14, 15, 19, 33, 34, 38, 52, 53 and 57 are canceled and claims 1-13, 16-18, 20-32, 35-37, 39-51, 54-56 and 58-72 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-13, 16-18, 20-25, 27-32, 35-37, 58 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Hekmatpour (US 5,720,007).

Regarding claims 1 and 20, Hekmatpour discloses a training method of providing personalized business information that can be used with a computer network (Col 6, lines 26-30), the creation of a user profile defining the user's job function and identifying employer business information requirements for respective user job functions (Col 20, lines 46-53 and fig 12), that the profile determines a user's unique business information and the employer's requirements for a business professional role (Col 27, lines 18-20), and, through the use of the inference engine, using at least a first segment of personalized information to navigate a user to a second segment of information stored at a location remote from the first segment of information (Col 4, lines 38-67, fig 2 and fig 12). The training provided to each user is personalized through the profile

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database and the certification modules are used to update the user profile database (Col 20, lines 51-53).

Regarding claims 2, 21 and 58, Hekmatpour discloses a system in which training progress and activity data associated with the use of personalized professional training are generated based upon a created profile and stored on the database server in a user profile database (Col 20, lines 49-64).

Regarding claims 3 and 22, Hekmatpour discloses a system and method wherein business knowledge, training progress and training performance data are all stored on an individual login basis (Fig. 12).

In regard to claims 4 and 23, Hekmatpour discloses that all data generated and received by the system is stored on a database server (Col 27, lines 35-62).

In regard to claims 5 and 24, Hekmatpour discloses a system and method that generates documents such as administrative reports from database records that contain business knowledge, training progress and training performance data (Col 29, lines 28-51).

In regard to claims 6 and 25, Hekmatpour discloses a system and method that generates administrative reports in accordance with administrator instructions (Col 29, lines 28-51).

In regard to claims 7 and 26, Hekmatpour discloses that generated documents are stored on a database server in accordance with administrative instructions (Col 29, lines 24-31).

In regard to claims 8 and 27, Hekmatpour discloses that the generated documents are stored on a database server (Col 29, lines 45-51).

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In regard to claims 9-11 and 28-30, Hekmatpour discloses that the system and method manages several types of knowledge, links these knowledge areas to one another, and includes descriptive text as an integral feature of the knowledge areas (Col 28, lines 18-48).

In regard to claims 12 and 31, Hekmatpour discloses that the system and method manages a plurality of knowledge types including a training link and a compliance link (Col 27, lines 35-46).

Regarding claims 13 and 32, Hekmatpour discloses that in an interactive certification and training system a primary function is embedding in a first segment of information an object, such as an email identifier, operable to initiate communication with at least one other user (Col 3, lines 12-28).

In regard to claims 16-18 and 35-37, Hekmatpour discloses a system and method for business information management including administering and tracking business knowledge data based upon individual login accounts, the creation and tracking of user profile information, providing notification for compliance of users, and distributing this information to qualified administrators (Col 20, lines 46-67).

Regarding claim 62, Hekmatpour discloses a system and method for business information management including providing updated personalized business information based on the amount of personalized business information completed (Col 20, lines 50-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 39-51, 54-56, 59-61 and 63-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton (US 6,282,404) in view of Hekmatpour.

In regard to claims 39 and 51, Linton discloses a computer system and server coupled to the network for obtaining login data (Col 5, lines 35-65), providing business knowledge to a networked computer based upon the login (Col 6, lines 25-36), providing personalized professional training information based on the login data (Col 7, lines 35-37 and Col 10, lines 10-34), generating business knowledge, personal training activity and tracking this information (Col 10, lines 10-62), and embedding in a first segment of information an object, such as an email identifier, operable to initiate communication with at least one other user (Col 3, lines 12-28). Linton does not specifically disclose that the business knowledge is for a business professional role, the mechanism for determining such information, or navigating to a second segment of information based upon a first segment of information. However, Hekmatpour teaches that in an interactive certification and training system a primary function is to identify

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licensing compliance information for all employees, and that such information is related to each employee's business professional role within the company (Col 27, lines 18-46), and, through the use of the inference engine, using at least a first segment of personalized information to navigate a user to a second segment of information stored at a location remote from the first segment of information (Col 4, lines 38-67, fig 2 and fig 12). For an interactive training system and method to be most useful, the information must be stored in a database on a per employee basis, just as password and login information is stored. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a computer system and server coupled to the network for obtaining login data, providing business knowledge to a networked computer based upon the login, providing personalized professional training information based on the login data, generating business knowledge, personal training activity and tracking this information, and embedding in a first segment of information an object, such as an email identifier, operable to initiate communication with at least one other user as disclosed by Linton with a system that stored business professional role information for each individual employee in a database and linked such information to individual employee accounts such that the business information could be retrieved upon login and navigating to a second segment of information based upon a first segment of information as taught by Hekmatpour for the purposes of providing personalized long distance training activities to users.

In regard to claim 40, Linton discloses that professional training progress and activity data are generated and stored on a database server (Col 10, lines 10-34). Linton does not specifically disclose that the personalized training is provided based upon a created profile. However, Hekmatpour teaches the creation of a user profile defining the user's job function and

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identifying employer business information requirements for respective user job functions (Col 20, lines 46-53 and fig 12), that the profile determines a user's unique business information and the employer's requirements for a business professional role (Col 27, lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the art to provide a professional training progress and activity data are generated and stored on a database server as disclosed by Linton in which the personalized training data is provided based upon a created profile as taught by Hekmatpour for the purposes of allowing access to personalized training data to a student at a remote location in order to optimize the educational experience for the user.

In regard to claim 41, Linton discloses a server wherein business knowledge, training progress and training performance data are all stored on an individual login basis (Col 6, lines 21-36).

In regard to claim 42, Linton discloses that all data generated and received by the system is stored on a database server coupled to the network (Col 9, lines 9-10).

In regard to claim 43, Linton discloses a system and method that generates administrative reports that contain business knowledge, training progress and training performance data (Col 9, lines 37-65).

In regard to claim 44, Linton discloses that generated documents are stored on a database server in accordance with administrative instructions (Col 9, lines 66-67). Linton does not specifically disclose that this is a first set of administrative instructions. However, Hekmatpour teaches a process for determining the training needs of employees on an ongoing basis, which shows that there is a first set of administrative instructions as well as a number of subsequent administrative instructions that require document storage on the server (Col 28, lines 28-48).

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The generation of documentation relating to employee performance and training goals established and met is an established, ongoing process in both prior inventions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a method and system for storing generated documents on a database server in accordance with administrative instructions as disclosed by Linton and disclosing that these documents are placed on the server in response to the first set, as well as subsequent sets, of administrative instructions as taught by Hekmatpour for the purposes of providing trainers with directions for training activities.

In regard to claim 45, Linton discloses that the generated documents are stored and updated on a database server (Col 9, lines 37-40 and Col 11, lines 1-12).

In regard to claim 46, Linton discloses a computer system for providing administration instructions (Col 10, lines 35-62)

In regard to claims 47-49, Linton discloses that the system manages several types of knowledge, links these knowledge areas to one another, and includes descriptive text as an integral feature of the knowledge areas (Col 7, lines 18-58).

In regard to claims 50, Linton discloses that the system manages a plurality of knowledge types containing, embedded within, links to other data across the network (Col 7, lines 50-58).

In regard to claims 54-56, Linton discloses a computer system for administering and tracking business knowledge data based upon individual login accounts, the creation and tracking of user profile information, a dialog via email providing notification for compliance of users, and distributing this information to qualified administrators (Col 10, lines 2-62).

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In regard to claims 64 and 68, Linton discloses the use of business knowledge for employees (Col 3, lines 29-42). Linton does not specifically disclose the generation of business knowledge use data. However, Hekmatpour teaches that information concerning the use of business knowledge can be generated as part of an ongoing process of employee training evaluation (Col 28, lines 28-48). Information concerning how business knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means to generate information concerning the use of business knowledge.

In regard to claims 59 and 69, Linton discloses the use of business knowledge for employees in association with the login for each employee (Col 3, lines 29-42, Col 7, lines 18-29). Linton does not specifically disclose the generation of such business knowledge use data. However, Hekmatpour teaches that information concerning the use of business knowledge can be generated and stored on the server as part of an ongoing process of employee training evaluation on a per employee basis (Col 27, lines 35-46). Information concerning how business knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient and thus should be associated on a per employee basis through the use of login profiles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the use of business knowledge for employees in association with the login for each employee as disclosed by Linton with information concerning the use of business knowledge generated and stored on the server as part of an ongoing process of employee training evaluation on a per employee basis as taught by Hekmatpour for the

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purposes of providing information concerning how business knowledge is used thus closing the feedback loop on the training compliance process.

In regard to claims 60, 65 and 70, Linton discloses the use of business knowledge for employees in association with the login for each employee (Col 3, lines 29-42). Linton does not specifically disclose the generation of such business knowledge use data or the storage of such data in a data repository. However, Hekmatpour teaches that information concerning the use of business knowledge can be generated and stored on the server as part of an ongoing process of employee training evaluation (Col 27, lines 35-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method for using business knowledge for employees in association with the login for each employee as disclosed by Linton and business knowledge generated and stored on the server as part of an ongoing process of employee training evaluation as taught by Hekmatpour for the purposes of generating information concerning the use of business knowledge and to storing such information on the server.

In regard to claims 61, 66-67 and 71-72, Linton discloses the use of business knowledge for employees and the generation of reports containing this information (Col 7, lines 35-40). Linton does not specifically disclose the generation of such business knowledge use data or the generation of reports containing this information. However, Hekmatpour teaches that information concerning the use of business knowledge can be generated and stored on the server and later provided in reports to management (Col 29, 28-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method for the use of business knowledge for employees and the generation of reports containing this

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information as disclosed by Linton with such information generated and stored on the server and later provided in reports to management as taught by Hekmatpour as a means to provides timely information to management for determining future training direction and needs.

Response to Arguments

Applicant's arguments with respect to claims 1-13, 16-18, 20-32, 35-37, 39-51, 54-56 and 58-72 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 571-272-4456. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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jls

January 26, 2005

Chanda L. Harris
Primary Examiner
Art Unit 3714